CASE NO. 3:07-CV-02940-SI

Defendant Alexander Yaroshinsky's Motion to Dismiss ("Motion To Dismiss") Plaintiff's Second Amended Consolidated Class Action Complaint ("Complaint") was heard on August 15, 2008 at 9:00 a.m. in Courtroom 10 of the above-entitled court. Having read and considered all papers submitted in the matter, as well as having entertained oral argument, and good cause appearing therefor, IT IS HEREBY ORDERED that the Motion to Dismiss is GRANTED. Plaintiff's Complaint is dismissed with prejudice, with respect to Defendant Yaroshinsky. Dated: _____ UNITED STATES DISTRICT JUDGE

[PROPOSED] ORDER GRANTING DEFENDANT YAROSHINSKY'S MOTION TO DISMISS CASE NO. 3:07-CV-02940-SI